

# OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER

## STATEMENT OF EXPECTATIONS FOR 2026

Ministerial Statements of Expectations provide greater clarity about government policies and objectives relevant to the regulator in line with its statutory objectives, and the priorities the Minister expects it to observe in conducting its operations.

As the responsible Commonwealth Minister for the Office of the Australian Information Commissioner (OAIC) under the *Australian Information Commissioner Act 2010* (AIC Act), this statement sets out my expectations of the OAIC.

### Overview

The OAIC is the independent national regulator for privacy and freedom of information (FOI). The Government recognises and respects the independence of the Australian Information Commissioner, Privacy Commissioner and Freedom of Information Commissioner appointed under the AIC Act and their responsibility for regulation of privacy and FOI.

The OAIC's **core regulatory functions** are as follows:

- privacy functions that are conferred by the *Privacy Act 1988* (Privacy Act) and other legislation, including as priorities for delivery:
  - efficiently resolving complaints about, investigating, determining, or commencing civil penalty proceedings in relation to, an act or practice that might breach the Privacy Act
  - registration of codes under the Privacy Act, and at the direction of the Minister leading the development of new codes, including the Children's Online Privacy Code, and
  - providing information, advice and guidance on privacy best practice and compliance with the Privacy Act to individuals, businesses, and agencies,
- functions that are conferred by the *Freedom of Information Act 1982* (FOI Act), including as priorities for delivery:
  - reviewing FOI decisions made by agencies and ministers under the FOI Act, and monitoring, investigating and reporting on compliance with the FOI Act
  - efficiently investigating and resolving complaints about agencies' FOI administration, undertaking own motion investigation of agency actions, and issuing implementation notices requiring an agency to specify the action it will take to implement the Commissioner's recommendations
  - issuing guidelines on the interpretation and administration of the FOI Act, and providing FOI information, advice, assistance, and training to ministers, agencies, and the community, and
  - overseeing the Information Publication Scheme, including assisting agencies to publish information under the scheme and reviewing agency compliance with the scheme.

The OAIC also has **specialist privacy regulatory roles** under a wide range of separate pieces of legislation. In these roles, the OAIC co-regulates or has statutory responsibilities conferred upon it in relation to, for example, the Consumer Data Right, Digital ID, Digital Health, Social Media Minimum Age, Telecommunications, and Credit Reporting regulatory schemes. In administering these responsibilities, I expect the OAIC to take a holistic, integrated and streamlined approach to protecting the privacy of Australians.

I expect the OAIC to exercise its functions and powers in good faith and to the best of its ability, while ensuring they are delivered with a continued and strong focus on efficiency. The OAIC should take a contemporary and proportionate approach to its role in promoting and upholding Australia's privacy and FOI laws.

### **The Government's policy priorities and objectives**

In addition to delivering the core regulatory functions and specialist privacy regulatory roles noted above, the Government expects the OAIC to observe and contribute to the following Government priorities and objectives.

I expect the OAIC's primary focus to be on minimising privacy harms to the community, and on protecting and upholding Australians' privacy and access to information. In delivering these objectives, I expect the OAIC to appropriately balance risk mitigation with efficiency, growth and dynamism, reflecting its role as a contemporary and independent regulator.

I expect the OAIC to strive for processes that enhance its performance, efficiency and financial sustainability, to ensure it can deliver its regulatory functions more effectively. I also expect the OAIC to continue developing a capable, multidisciplinary workforce with a breadth of technical skills to provide guidance and advice, and to take proportionate, appropriate and timely regulatory action.

### **Privacy in the online environment and emerging technologies**

As the role of personal information in the online environment becomes increasingly central to the economy, education and our social connections, and as new and emerging technologies evolve, I expect the OAIC to focus on regulatory activities to efficiently address privacy harms that arise from the practices of online platforms and services that impact individuals' choice and control over their privacy.

I expect the OAIC to promote and advance online privacy protection for Australians by raising awareness of privacy risks and providing guidance to individuals, organisations and agencies about how to protect personal information online. This will improve the ability of Australians to manage privacy choices online, and improve protections for children and other vulnerable groups.

### **Delivery, efficiency and innovation**

The Government expects regulators to take a proportionate, risk-based approach to regulation, and deliver their regulatory activities efficiently and with a whole-of-system perspective.

I expect the OAIC to ensure that its corporate planning and risk management activities are efficient, effective, and informed by a clear understanding of the OAIC's legislative responsibilities, and operating context.

Within available resources, I expect the OAIC to deliver its commitments to advance regulatory collaboration, simplification and transparency as outlined in the Information Commissioner's letter to the Treasurer and Minister for Finance of 1 August 2025, being:

- development of a notifiable data breach self-assessment tool
- expansion of the use of industry or professional dispute resolution schemes in resolving low-level privacy complaints, and
- promotion of an Open Government approach to publication of government-held data sets to aid innovation.

I expect the OAIC to continually monitor the environment in which it operates to ensure that its regulatory approaches and operating procedures are innovative and keep pace with changes in technology, industry practices and community expectations. This includes identifying trends and challenges in international regulatory approaches and engaging with international regulatory bodies with similar responsibilities for privacy, FOI, and information management.

### **Regulatory reform agenda and regulator best practice**

The Government's regulatory reform agenda is a key component of the Government's plan to support economic recovery by working at a systems level to reduce duplication, and to account for impacts of regulation on individuals, as well as businesses. Ensuring our regulatory settings are the best they can be helps boost productivity and competitiveness and supports well-functioning markets, business investment, job creation and growth.

Under the regulatory reform agenda, the Australian Government is also focusing on improving regulator performance, transparency, capability and culture through regulatory stewardship. I expect the OAIC to apply the *Regulator Performance Resource Management Guide* to its regulatory functions to assess its performance and engagement with stakeholders. The OAIC should also support effective risk management and cultivate a positive risk culture by maintaining a Risk Management Framework.

In delivering its functions, I expect the OAIC to:

- align its approach to, and implementation of, its core regulatory functions and specialist privacy regulatory roles with the six principles of the *Regulatory Policy, Practice and Performance Framework*
- seek opportunities to remove duplication and streamline processes to improve efficiency and enhance delivery
- promote access to information and support compliance through engaging with regulated entities to provide guidance, promote best practice compliance, and help to address problematic practices and processes in handling FOI requests, to promote informed, mature and effective information access systems and capabilities
- promote a regulatory approach that facilitates voluntary compliance with privacy obligations, including seeking opportunities to engage and consult genuinely with

regulated entities to provide guidance, promote best practice compliance, and identify and seek to address privacy concerns as they arise

- continue to work through the Digital Platform Regulators (DP-Reg) Forum to ensure a collaborative approach to common issues and challenges where possible
- promote public confidence in the regulatory activities of the OAIC, by increasing transparency of its regulatory decision-making processes and use of powers, and publicising relevant guidance about actions taken to address privacy breaches
- develop people, processes and systems that will allow the OAIC to conduct and finalise regulatory action as promptly as practicable, including leveraging technological solutions to drive efficiency, and
- use resources strategically to provide the greatest benefit for the community, and prioritise regulatory activities within the OAIC's budgetary environment.

### **Performance measurement and reporting**

I expect the OAIC to set Key Performance Indicators and service standards for its core regulatory functions and specialist privacy regulatory roles. These should reflect the Government's priorities and objectives as set out in this Statement. I also expect the OAIC to identify how it will track and report progress on delivery of its efficiency-related commitments outlined earlier in this Statement.

The OAIC should incorporate regulator performance reporting, as required by the *Regulator Performance Resource Management Guide*, into its reporting processes under the *Public Governance, Performance and Accountability Act 2013* and the *Public Governance, Performance and Accountability Rule 2014* in order to support greater transparency and accountability. The OAIC's approach to performance measurement and reporting should be reflected in its corporate plan and annual report and made publicly available on its website.

### **Relationship with Minister and portfolio**

The OAIC plays an essential role in ensuring that I, as the Minister responsible for administering privacy and FOI laws, and the Government, are well placed to respond promptly to privacy and FOI matters. The Attorney-General's Department (the department) also supports and advises me by providing advice on policy development and the performance of the portfolio's regulatory systems. The department values the regulatory knowledge and expertise of the OAIC when considering changes to policy and legislation that impact on privacy and FOI matters.

Accordingly, I expect the OAIC to work collaboratively with the department to provide accurate and timely advice on significant issues relating to strengthening privacy and FOI frameworks.

As the responsible Minister, I will provide an enabling environment for the OAIC to deliver its regulatory functions and consistently implement best practice by ensuring it is well informed of the Government's policy direction, and specific initiatives and strategies as they are being considered.